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SUBJECT: PRAGUE CONSULAR ROUNDUP - JAN/MAY 2008

SUMMARY

¶1. Visa waiver negotiations culminated in the signing of a Memorandum of Understanding (MOU) in Washington, and initial objections from the European Commission have abated. DHS visited to conduct a country review and to discuss implementing arrangements. The Department is leading the negotiation on HSPD-6, and negotiations on sharing of information on dangerous criminals should begin soon. Meanwhile, demand for visa interviews year-to-year has increased significantly. IAFIS and other fraud prevention tools are identifying cases of mala fide applicants and individuals with questionable travel histories in the US. Czech accession to the Schengen zone in December 2007 had unintended consequences of concern to Americans residing in the Czech Republic. Consular section held two large outreach events to provide information on absentee voting and other services, and to give the Ministry of the Interior an opportunity to explain visa policy and residency procedures. Post continues to provide training opportunities for officers and Locally Engaged Staff. Post hosted the 2008 EUR CLDC, and a visit by AA/S Jacobs. End Summary.

VISA WAIVER PROGRESS

¶2. Czech Prime Minister Topolanek and DHS Secretary Chertoff signed a Visa Waiver MOU on February 28. Some tense moments followed as EU officials insisted that visa policy should be negotiated collectively so as not to undermine areas of EU competence. But the Czechs were only the first of a number of member states for whom visa waiver was more important than EU solidarity, and five other states had soon also signed MOUs. DHS and the EC subsequently agreed on a "two track" approach, in effect giving the visa waiver aspirant countries the latitude they need to negotiate agreements for visa waiver. The MOU signing was followed by a DHS on-site country review, and a visit to discuss possible MOU "implementing arrangements." The outstanding tasks for the Czechs now are the conclusion of an HSPD-6 agreement, the text of which is under negotiation, and an agreement on information sharing with respect to dangerous criminals. DHS Secretary Chertoff announced during the MOU signing that he expects Czechs to travel without visas by October or November of 2008. Post hopes to learn the technical details of the Electronic System for Travel Authorization (ESTA), which will be part of the enhanced Visa Waiver Program. The extent of ESTA integration with the CLASS lookout and visa refusal database will help Post predict the nature of the applicant pool when VWP takes effect.

TOURIST VISA DEMAND UP, SWT APPLICATIONS DOWN

¶3. Non-immigrant visa intake at the beginning of the fiscal year was comparable to past years, but demand in January and February of 2008 was the highest month-to-month since 2004, 25% higher than the

same months in 2007. The majority of applicants continue to apply for tourist visas, and common purposes of travel are medical conferences, trade shows, training, and package tours, including more Caribbean cruises departing from US ports. Intake in March declined due to an officer staffing shortage, but the growth in wait time indicates that demand for tourist visas remains high, despite public knowledge of visa waiver negotiations. One possible reason for the growth in demand is the 20% year-to-year decline in the dollar against the Czech koruna. This decline may also explain the significant drop in J-1 Summer Work and Travel applicants. Post noticed much smaller audiences during Fall university outreach, and agencies that promote this program report a 50% decrease in business from last year. With high economic growth and greater freedom to travel and work in the Schengen zone, Australia, and Canada, the Summer Work and Travel program, which requires significant document preparation, appears to be losing its appeal to Czech students.

#### IAFIS, LEXIS-NEXIS, AND CCD ENHANCE FRAUD PREVENTION

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**¶4.** (SBU) NIV software integration with the IAFIS database has identified several cases of visa ineligibilities. In one case, Post determined unlawful presence for a visa applicant who stated multiple times that he had never received a U.S. visa, yet had fingerprint arrest records in three separate years in North Carolina. A second case involved an applicant who provided an alias to police during an arrest in Florida. IAFIS arrest data often allows more in-depth queries against the CCD or LexisNexis to identify other possible ineligibilities. In cases where there is insufficient evidence for a "hard" ineligibility finding, interviewing officers are writing detailed refusal notes for future adjudications. E-mail watch list alerts for all consular officers also notify staff whenever a case with previously identified fraud indicators is received. Post finds the DHS Arrival and Departure Information System (ADIS) to be of significant help in confirming the length of US visits for applicants.

#### EMBASSY EXPLAINS NEW CZECH VISA RULES TO AMERICAN EXPATS

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**¶5.** Czech accession to the Schengen zone in December 2007 created a large community of American citizens who must apply for visas or risk accumulating illegal presence in the zone. ACS is aware of several cases of Americans who lived for years in the Czech Republic without visas, traveling to Austria or Germany every 3 months in order to resume a visa-free stay in the Czech Republic. A couple of hundred Amcits attended an ACS open house on February 12 to receive voting and federal benefits information and to ask visa questions of a Czech Ministry of the Interior official. The number of questions was so great that the section organized a second "Schengen visa workshop" at a larger venue on March 3, advertised through warden e-mails and placement in English-language newspapers and Web sites. During this meeting, attended by 300 Amcits, the Ministry of the Interior (MoI) announced a "grace period," at the urging of the Embassy, to allow Americans who applied for long-term visas by March 31 to remain in the Czech Republic in excess of ninety days without risk of fines or expulsion.

**¶6.** During the workshop the MoI pointed out several problems with existing Czech visa policy. A Czech long-term "D" visa is a territorially restricted visa that allows the holder to reside in the Czech Republic. Unlike a longterm residency visa, however, the holder accumulates time against the "90 days during 180" visa-free travel period for the Schengen states. This means that after 90 days of living in the Czech Republic the "D" visa holder cannot travel in the rest of the Schengen zone (except for Germany). The consular section is pressuring the MoI to address this restriction by granting permanent residence visas in place of D visas, which allow travel throughout the Schengen zone, but this will require new Czech legislation. In the meantime, Czech officials suggested Americans should apply for their permanent residence four months before the expiration of their long-term "D" visas and advised Americans to apply for visas to travel to other European countries. In a Catch-22 twist, most other European countries refuse to grant short term visas to American "D" visa holders because America is on the so-called visa free "white list". Post will continue to update Americans through the Embassy Web site and media outlets.

CAREER DEVELOPMENT FOR CONSULAR STAFF

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¶7. All Locally Engaged Staff who had not previously taken the distance learning course PC-102, "Immigration Law and Visa Operations" successfully completed the course in mid-January, and training is now in progress on PC-103, "Nationality Law and Consular Procedures." One officer was able to attend the Warsaw Regional Consular Workshop, and provided an update to all consular officers, along with some fraud prevention procedures described during the conference.

POST HOSTS CLDC AND VISIT OF A/S JACOBS

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¶8. Post welcomed consular officers from about 25 European posts, experts from Washington, and Acting Assistant Secretary Jacobs to Prague for the 2008 EUR Consular Leadership Development Conference May 5-8. In addition to addressing the conference, Ambassador Jacobs met with the Deputy Foreign Minister responsible for consular affairs and the new director of the Czech central authority for Hague abduction and adoption cases. All consular staff - FSOs, LES, EFM - were able to participate in at least part of the conference, and were thrilled to meet the Bureau leadership.

GRABER